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11 July 2016

To: All Councillors

As a Member of the **Licensing & Appeals Committee**, please treat this as your summons to attend the meeting on **Tuesday 19 July 2016 at 6.00 pm in the Council Chamber, Town Hall, Matlock.**

Yours sincerely

A handwritten signature in black ink, appearing to be 'Sandra Lamb'. The signature is fluid and cursive, with a large loop at the end.

Sandra Lamb  
Head of Corporate Services

## **AGENDA**

### **1. APOLOGIES**

Please advise Democratic Services on 01629 761133 or e-mail [committee@derbyshiredales.gov.uk](mailto:committee@derbyshiredales.gov.uk) of any apologies for absence.

### **2. PUBLIC PARTICIPATION**

To enable members of the public to ask questions, express views or present petitions, **IF NOTICE HAS BEEN GIVEN**, (by telephone, in writing or by electronic mail) **BY NO LATER THAN 12 NOON OF THE DAY PRECEDING THE MEETING.**

### **3. MINUTES OF LAST MEETING**

12 May 2016

### **4. INTERESTS**

Members are required to declare the existence and nature of any interests they may have in subsequent agenda items in accordance with the District Council's Code of Conduct. Those interests are matters that relate to money or that which can be valued in money, affecting the Member her/his partner, extended family and close friends.

Interests that become apparent at a later stage in the proceedings may be declared at that time.

5. **APPLICATION FOR AN EXEMPTION FROM TAXI LICENSING POLICY REQUIREMENT – DOOR SIGNAGE AND LICENCE PLATES.** 3 - 12
- To consider an application for an exemption from the Council's Taxi Licensing Policy requirements, in respect of displaying the Council's door signage and licence plates on a vehicle which the private hire operator wishes to use for executive/business travel, weddings etc. and not as a traditional private hire vehicle.
6. **LICENSING ACT 2003 AND GAMBLING ACT 2005 - ANNUAL PROGRESS REPORT** 13 - 16
- To consider a report that provides a summary of the work relating specifically to the Licensing Act 2003 and the Gambling Act 2005, undertaken by the Licensing Section during the last financial year, and the previous two financial-year periods, to allow comparisons to be made.
7. **ANIMAL WELFARE ESTABLISHMENT LICENSING - ADOPTION OF CIEH MODEL LICENCE CONDITIONS AND GUIDANCE FOR DOG BOARDING ESTABLISHMENTS 2016** 17 - 19
- To consider and approve a report to adopt the Model Licence Conditions and Guidance for Dog Boarding Establishments developed by the Chartered Institute of Environmental Health Officers (CIEH).

Members of the Committee: Councillors Jennifer Bower (Vice Chair), Tom Donnelly, Graham Elliott, Richard FitzHerbert, Steve Flitter, Helen Froggatt, Alyson Hill, Angus Jenkins, Tony Millward BEM, Jean Monks (Chairman), Joyce Pawley, John Tibenham,

## **LICENSING AND APPEALS COMMITTEE 19 JULY 2016**

Report of the Head of Regulatory Services

### **APPLICATION FOR AN EXEMPTION FROM TAXI LICENSING POLICY REQUIREMENT – DOOR SIGNAGE AND LICENCE PLATES**

#### **SUMMARY**

This report seeks consideration of an application for an exemption from the Council's Taxi Licensing Policy requirements, in respect of displaying the Council's door signage and licence plates on a vehicle which the private hire operator wishes to use for executive/business travel, weddings etc and not as a traditional private hire vehicle.

Section 29 of the Council's Policy provides that the Council may in exceptional circumstances dispense with or vary any of the conditions set out in the Policy.

#### **RECOMMENDATIONS**

- 1) That the Committee considers the application from Miss Karen McCartin of Dovelin Cars, based in Doveridge, for an exemption from the Policy requirements to display the Council's door signage and licence plates on vehicle registration number NG59 KCZ, if an application is made to licence the vehicle as a private hire vehicle.
- 2) That if the Committee is satisfied that the underlying public safety principles the Taxi Licensing Policy was introduced to promote will not be undermined by approving the application, the Licensing Manager be authorised to grant the private hire vehicle licence with the exemption, subject to a formal vehicle licence application from Miss McCartin, and a satisfactory vehicle inspection report being received from the Council's Testing Station.

#### **WARDS AFFECTED**

All

#### **STRATEGIC LINK**

An effective licensing regime supports the core values and key aims set out in the Council's Corporate Plan, in particular, the priority focused on delivering safe communities.

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#### **1 BACKGROUND**

- 1.1 The Council has received an application for an exemption from the requirement to display the Council's signs and licence plates, now required as 'standard' for Private Hire Vehicles (PHVs) and Hackney Carriages (taxis) operating from within the Derbyshire Dales.

- 1.2 The request has been received from Miss Karen McCartin, proprietor of private hire business *Dovelin Cars* based in Doveridge. Miss McCartin aims to provide a prestigious, executive and discreet door-to-door chauffeuring service, mainly to businesses. This will be in addition to the traditional private hire and hackney carriage business she already operates.
- 1.3 To operate the proposed executive-style business Miss McCartin will still be required to licence the chosen vehicle as a private hire vehicle. All vehicles so licensed are expected to comply with the Council's vehicle specification and licensing conditions outlined in the current Taxi Licensing Policy.
- 1.4 The law requires the driver, the vehicle and the operator to all be licensed by the same Council. Miss McCartin is one of the Council's more established licensed private hire operators and she has been a licensed driver for many years.
- 1.5 Miss McCartin intends to make a formal request to attend this committee meeting and make a statement in the public participation timeslot, before the report is considered. She will explain in detail the type of business and vehicle she wishes to licence – an explanatory letter and photographs of the vehicle provided by Miss McCartin are attached as **Appendix 1**.
- 1.6 The current Policy requires the Council's signage to be displayed on both front doors of the vehicle, with any business advertising being restricted to the rear doors. The licence plate must be fixed to the rear of the vehicle and a licence disc has to be displayed inside, on the top left-hand corner of the windscreen.
- 1.7 These requirements were introduced with the implementation of the Council's Hackney Carriage/Private Hire Licensing Policy in April 2009. One of the aims of the requirement was to introduce a uniform image that would enable members of the public to easily identify vehicles licensed as taxis (hackney carriages, that can be flagged down in the street or on a taxi rank) and private hire vehicles (permitted to provide pre-booked journeys only).
- 1.8 Officers do not have delegated powers to permit any deviation from the Council's Policy, which is thought to be entirely proper. The Policy was put in place to improve standards across the entire fleet of licensed vehicles operating in the Derbyshire Dales, to protect public safety and to maintain a consistent and transparent approach to determining applications for licences.
- 1.9 The Committee will be aware that while the Policy binds officers in their decision making it is not binding for Members. It is suggested that the Committee could choose to depart from the Policy if it considers that the private hire vehicles in question are not intended for the standard use associated with the majority of PHVs licensed in the district.
- 1.10 Whilst the Council's Policy does allow requests for exemption from the requirement in the case of limousines and/or chauffeured vehicles, it does not generally apply to Hackney Carriage or Private Hire Vehicles that are operating mainly as 'taxis'.

1.11 Applications requesting any deviation from the Council's Policy are considered on a case-by-case basis. There have been several similar requests since the introduction of the current Policy in 2009. Only 2 of these private hire vehicles are still licensed to operate, and do so without the signage and plates. The proprietors of these businesses are required to carry the licence plates in the boot of the vehicle and to provide evidence of bookings to the Licensing Officer, at regular intervals, to ensure that the exemption is still applicable.

1.12 Applicants seeking an exemption from any Policy requirements are required to provide information/evidence to allow the Committee to consider the application and make an informed decision.

## 2 RISK ASSESSMENT

### 2.1 Legal

The Council has a statutory duty to regulate private hire vehicles (PHVs) and hackney carriages (Taxis) and has discretion in the application of its Policy. The risk is therefore low.

### 2.2 Financial

There are no financial risks arising from this report.

## 3 OTHER CONSIDERATIONS

In preparing this report, the relevance of the following factors has also been considered: prevention of crime and disorder, equalities, environmental, climate change, health, human rights, personnel and property.

## 4 CONTACT INFORMATION

Eileen Tierney, Licensing Manager  
Tel: 01629 761374  
email: eileen.tierney@derbyshiredales.gov.uk

## 5 BACKGROUND PAPERS

Description	Date	File
Email from Miss McCartin	5 May 2016	RS//LN/ET
Letter and Photographs	June 2016	

## 6 ATTACHMENTS

**Appendix 1** - Covering Letter and Photographs of vehicle.



**The Bungalow, Hall Drive, Doveridge, Derbyshire, DE6 5NL.**

Licensing Authority,

In support of my request to attend the licensing committee meeting on the 19th of July, to request a vehicle licence that is exempt from exterior plates and livery.

As you may be aware I have been running Dovelin Cars Ltd for 25 years within this district. I currently operate 5 hackney carriage and 1 private hire vehicle that are licensed by yourselves, but I also operate two minibuses that are licensed by the traffic commission, which I operate on a private hire basis. We operate on a 80% contract and 20% cash sales basis from taxi's, private hire and minibus hire. which means that we are busiest in the morning and afternoon during term time, but we have staff who require more hours so we need to look at other options.

The purpose of my request is to explore the growing sub-sector within the private hire industry of executive travel, I am unsure of the extent to which this new venture could occupy within the business, but there is a gap in the market around our area, currently one business operates in Hatton and another two operate in Chesterfield, with some local executives reporting to me during travel that they are using companies from stoke-on-Trent, Derby and even as far afield as Borrowash. With the taxi industry in Derbyshire Dales stagnating (current government statistics put Derbyshire Dales as an authority that is following rural trends in that it is not growing, whilst nationally the industry has seen an increase in the number of licenses issued up by over 9% since 2013 with the majority of that growth coming from Private hire licenses.) I am looking to diversify some aspects of the business, that along with the minibus business can continue to grow and provide the increase in income needed to maintain current staffing levels in light of increased employment costs that look to increase further in the near future.

The vehicle is of a standard that is acceptable and expected within the field, vehicles used for this purpose are expected to be livery free and provide a statement upon entrance. Given the considerable amount of wedding venues within the locality of my operation I also wish to market this vehicle as a wedding car, which again is expected to be livery free. The vehicle is an Audi A8L 3litre Diesel (current specifications attached) pictures provided that I intend to furnish with private number plates.

This business will be run in conjunction with the current operation, records will be kept in accordance with our current systems, We currently have one member of staff who is trained as a chauffeur who can train and guide staff in the correct procedures who we can then put forward to obtain qualifications.

Yours sincerely

Karen F M<sup>c</sup>Cartin

## **2010 Audi A8 Specifications**

### **Engine and transmission**

8-speed tiptronic® transmission with electronically-transmitted shift information and Dynamic Shift Programme (DSP).

Recuperation for optimal energy utilisation.

### **Wheels, tyres and suspension**

18" x 8J '7-arm' design alloy wheels with 235/55 R18 Y tyres.

Adaptive air suspension with four selectable modes (Auto, Dynamic, Comfort and Lift) selectable through MMI.

Audi drive select with three pre-configured modes (Comfort, Auto, Dynamic).

Locking wheel bolts Space-saver spare wheel quattro® permanent all-wheel-drive quattro® Sports differential (standard on 4.2 TDI® only).

### **Seats**

Valcona leather.

Electrically-adjustable 4-way lumbar support.

Electric front seats with memory (14-way adjustable), including adjustment for: forward/backwards position.

- seat cushion height.
- seat cushion tilt.
- backrest.
- seat-belt height.
- head rest.
- Memory for driver's seat, passenger seat, steering wheel and door mirror.

Heated front seats with variable temperature adjustment.

### **Audio and communication**

Audi Music Interface (AMI) – Universal connection for use with stereo audio sources, USB and MP3 devices including Apple iPod generation 4 onwards (iPod, iPod classic, iPod mini, iPod nano, iPod photo, iPod video, iPod touch).

Provides intuitive control through the audio system and multi-function steering wheel.

It also replicates the iPod display on the audio screen and DIS, including track titles.

The interface provides charging function (dependent on device).

Audi sound system.

- 6-channel amplifier.
- 180-Watt amplifying capacity.
- Two 200mm speakers and two tweeters in front doors.
- 100mm front centre speaker.
- 2-way system with 168mm wide speaker and tweeters in the rear.
- 260mm subwoofer located in the parcel shelf.

Satellite Navigation system.

- HDD-based.
- 2x SD card readers.
- 3D and topographical mapping display including advanced 3D building display in select cities.
- 60GB hard drive, 20GB of which can be used to store up to 8,000 songs.
- Advanced speech recognition.
- AM/FM tuner with TP memo function.

- High resolution (840x480) 8" colour TFT display.
- MP3 compatible front-loading CD/DVD player.
- Route planning and guidance using voice, pictogram and 3D mapping MMI Touch. A touch-sensitive control panel which can be used to enter letters and numbers, scroll lists and easily move around navigation maps DAB digital radio Colour Driver's Information System, with 7" high-resolution screen.
- Mobile telephone preparation – Bluetooth interface.

### **Safety and security.**

Audi parking system plus. Aids parking by acoustically and visually indicating distances to obstacles in front of and behind the Audi A8 3-point seat belts for all seats, front with electric height adjustment and memory function Airbags, full size, for driver and front passenger.

Audi backguard head restraints.

Audi Space Frame® (ASF) construction with aluminium chassis.

Automatic headlight range adjustment.

Cruise control.

Door mirrors – electrically-adjustable, folding, heated and auto-dimming.

Double glazing.

Improved insulation against outside noise and break-in protection.

Electrically-adjustable steering column with memory and adjustment for height and reach with auto easy-entry-and-exit function.

Electromechanical parking brake.

Electronic Differential Lock (EDL) traction control.

Electronic Stability Program (ESP) with two stage deactivation.

First aid kit with warning triangle.

Front passenger airbag deactivation.

Headlight washers.

ISOFIX child-seat mountings for front passenger seat and outer-rear seats.

LED rear lights.

Light and rain sensor package.

Includes automatic headlight activation, automatic windscreen wipers, coming home/leaving home function and sun band for windscreen.

Pre-sense basic, which provides you with comprehensive preventive protection.

This advanced safety system can detect an imminent collision and tighten the seat belts, close the sunroof and windows, and activate the hazard warning lights to alert other drivers.

Rear fog lights.

Servotronic steering – power steering with speed-dependent control.

Sideguard head airbag system.

Thatcham category 1 alarm and immobiliser.

Tool kit Tyre pressure loss indicator.

Xenon Plus headlights with LED daytime running lights and all-weather function.

### **Interior equipment**

4-spoke multi-function steering wheel with gear-shift paddles.

Auto-dimming rear-view mirror.

Analogue clock in lower inlay.

Comfort front centre armrest. Split for driver and passenger with fold-up storage compartments; horizontally and vertically adjustable.

Cloth headlining (colour dependent on chosen upholstery).

Climate control with sun sensor.

- Air quality sensor.
- Air humidity sensor (internal and external).
- Automatic defrost function.
- Cooled glove compartment.
- Choice of three different climates.
- Rear ventilation for footwell, centre and B-pillar.
- Separate air distribution, temperature controls and display for driver and front passenger.
- Sensitive moisture detectors to help avoid misted windows.
- Temperature controls for footwell on driver and front passenger side.

LED ambient lighting package:\*

- Colour choice (Ruby, Ivory or Polar) can be controlled via MMI.
- Light strip between grab handles, 2 colours.
- LED footwell lights (front and rear), 2 colours.
- LED entry lights (x4).
- Illuminated door pockets, 2-colour LED.
- Light guide for front and rear doors, 3-colour LED.
- Illuminated centre console giving 'floating' effect, 3-colour LED.
- LED active door warning lights (x4).
- Roof module, 2-colour light strip/3-colour reflected light.

Extended aluminium look in interior.

- Brushed aluminium silver switches in lower inlay, centre console and door.
- Air vent slats and thumbwheels in chrome trims.
- Aluminium inlay on folding compartment in door armrest.
- Stainless steel boot sill protector.

Front and rear floor mats.

Front passenger storage.

- Cooled glove compartment.
- Door storage pockets with space for 1-litre bottle.
- Front footwell net.
- Glasses holder integrated into roof module.
- Parking ticket holder in sunvisor.
- Storage compartment in door armrest with space for small umbrella.
- Two cup-holders in centre console.

Front sun visors with illuminated vanity mirrors.

Keyless go.

Lower inlays in highly-polished black.

Upper inlays in Walnut brown.

Luggage compartment pack.

Rear passenger storage:

- 12V socket.
- Centre armrest with storage compartment and two cup holders.
- Door storage pockets.
- Luggage net.
- Two integrated bag hooks.
- Umbrella holder.

**Exterior equipment**

Body coloured door mirrors, handles and bumpers.

Aluminium trim strips framing windows.

Twin exhaust pipes, one on each side.

Metallic or pearl-effect paint.

Automatically opening boot lid.

Windscreen washer jets, heated.

**Wheels, tyres and suspension**

9J x 19" '10-spoke Y' design alloy wheels, with 255/45 R19 Y tyres.

**Safety and security**

Audi parking system advanced. Aids parking by acoustically and visually indicating distances to obstacles with guiding lines. Measured by sensors and reversing camera.

**Interior equipment**

Lower inlays in brushed aluminium.

Advanced key.

– keyless entry and keyless go.

**Exterior equipment**

Power-operated boot lid which opens and closes electrically.

Opened via radio-operated remote car key, button in the driver's door or the soft-touch button in the boot-lid recess. Closed by pressing the button on the inside of the boot lid.

Appendix 1





## **LICENSING AND APPEALS COMMITTEE 19 JULY 2016**

Report of the Head of Regulatory Services

### **LICENSING ACT 2003 AND GAMBLING ACT 2005 ANNUAL PROGRESS REPORT**

#### **SUMMARY**

This report provides a summary of the work relating specifically to the Licensing Act 2003 and the Gambling Act 2005, undertaken by the Licensing Section during the last financial year, and the previous two financial-year periods, to allow comparisons to be made.

#### **RECOMMENDATION(S)**

1. That the report be noted.
2. That the Licensing Team continues to contribute to the work of the Community Safety Partnership's VAL (Violence Alcohol and Licensing) Group.
3. That the Licensing Team continues to work with other Responsible Authorities, where possible, when carrying out the number of planned compliance/enforcement visits in the District by 31 March 2017, detailed in the Licensing Service Plan for 2016-17:
  - 20 licensing awareness visits to premises licensed for alcohol sales, gambling or scrap metal; and
  - 2 taxi enforcement operations.

#### **WARDS AFFECTED**

All

#### **STRATEGIC LINK**

An effective licensing regime supports the District Council's corporate priorities, and aims, in particular to maintain safe and healthy communities, increase business growth and job creation, and to provide excellent services.

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## **1 BACKGROUND**

### **1.1 The Licensing Act 2003**

Members will be aware that the Licensing Act 2003 established a single integrated scheme for licensing premises which are used for the sale or supply of alcohol, and/or to provide regulated entertainment and/or to provide late night refreshment.

- 1.2** Since 7th February 2005, under the provisions of the Licensing Act 2003, the District Council, (in its role as the Licensing Authority), has processed and granted in the region of 500 premises licences and club premises certificates; 995 personal licences; and on average (each calendar year) some 450 temporary event notices (TENs). All of these authorisations have permitted one or more of the licensable activities specified in paragraph 1.1 of this report.

**1.3** Each year a small number of new premises licences are granted and smaller number are surrendered. New licences are granted and existing licences varied for a number of reasons, which include new businesses or one-off event. eg: small music festivals, micro-breweries, themed/luxury bed and breakfast establishments, community shops in separate areas of existing licensed premises etc.

**1.4** Progress

In July 2007, the first progress report was presented to this Committee providing information about the numbers of licence applications determined with effect from 24<sup>th</sup> November 2005, when the Licensing Authority became solely responsible for regulating those activities specified in paragraph 1.1 above and other activities which are no longer licensable such as providing facilities for music, dancing, entertainment or similar.

**1.5** Since 2007 a progress report has been submitted annually for the Committee’s information and consideration. In 2012 it was agreed that the annual progress report would be submitted to the first meeting of each civic year – usually in July.

**1.6** The following table details the number of applications made under the Licensing Act 2003, during 2015-2016, offering a comparison to figures for the 2 previous financial years.

Type of Application	Number of Applications Processed		
	2013-2014	2014-2015	2015-2016
New Premises Licences/Club Premises Certificates (CPCs)	14	15	21
Transfers	n/k	22	24
Variations (full)	5	2	2
Minor Variations	7	12	4
Variation of Designated Premises Supervisor (DPS)	n/k	61	71
Removal of DPS Mandatory Condition for Community Premises	0	0	0
New Personal Licences	n/k	70	48
Temporary Event Notices (TENs)	461	513	468

**1.7** During 2015-2016 5 applications for premises licences attracted representations (objections), and were referred to be determined by one of the Licensing and Appeals Sub-Committees.

**1.8** Applications for Minor Variations

Some Members will recall that in October 2009, the Minor Variations application process was introduced. This allowed proprietors/operators to make small changes to their premises licences, as long as the proposed changes would not undermine the licensing objectives.

Examples of permitted changes include:

Minor changes to the structure or layout of premises;

- Small adjustments to licensing hours;
- Conditions: removal of out of date irrelevant or unenforceable conditions or volunteering of conditions;
- Licensable activities: adding certain licensable activities.

**1.9** The Government recommended that the decision making on Minor Variation applications should be delegated to officer level. There is no provision for hearings to be held to determine these applications. If objections are received the applications are refused, and a full variation application can be made, which would be subject to a hearing if any objections were received.

**1.10** The Head of Regulatory Services and the Licensing Manager are delegated to determine applications for Minor Variations. 5 minor variation applications were determined by Officers under delegated powers during 2015-16.

**1.11** The Licensing Team work closely with the other agencies with responsibility for dealing with applications for licensing eg through the Safer Derbyshire (Community Safety) Partnership VAL Group (Violence, Alcohol and Licensing). Visits are carried out jointly, where appropriate, with officers from the Police, Environmental Health, Fire and Trading Standards Authorities. Where problems exist or there is the potential for problems, measures to deal with these are agreed by all officers and negotiated with the licence holder. Targets for visits to licensed premises during 2016-17 have been agreed and published in the Licensing Service Plan.

#### **1.12** The Gambling Act 2005

The following numbers of premises are currently licensed under the 2005 Act:

- 1 Adult Gaming Centre (Matlock Bath)
- 4 Bookmakers (Betting Shops)
- 5 Family Entertainment Centres (Matlock Bath)
- 1 Occasional Use Notices (Pikehall Harness Racing)
- 8 Club Machine Permits (registered clubs)
- 170 (circa) Small Society Lotteries.

## **2 RISK ASSESSMENT**

### **2.1** Legal

The report provides the Committee with information on how the Council is continuing to implement the Licensing Act 2003 and the Gambling Act 2005 in practical terms. The record demonstrates that the laws are being effectively implemented, with the risk being correspondingly low.

### **2.2** Financial

The budget position for administering the Licensing Act 2003 and the Gambling Act 2005 is shown in the following table:

	2014/2015 Actual	2015/16 Actual	2016/17 Budget
Total Expenditure	112,477	97,661	103,663
Total Income	107,750	112,020	108,516
Net Cost	-4,727	-14,359	-4,853

It is considered that this budget is adequate for the provision of the service at the moment, and therefore the financial risk is low.

### 3 OTHER CONSIDERATIONS

In preparing this report, the relevance of the following factors has also been considered: prevention of crime and disorder, environmental, climate change, health, human rights, personnel and property.

### 4 CONTACT INFORMATION

Eileen Tierney, Licensing Manager  
 Tel: 01629 761374  
 email: eileen.tierney@derbyshiredales.gov.uk

### 5 BACKGROUND PAPERS

Description	Date	File
Records of applications stored in Licensing Software Systems – LalPac (archived) & M3	2005 on going	RS/LN

### 6 ATTACHMENTS

None.

LICENSING AND APPEALS COMMITTEE  
19 JULY 2016

Report of the Head of Regulatory Services

**ANIMAL WELFARE ESTABLISHMENT LICENSING  
ADOPTION OF CIEH MODEL LICENCE CONDITIONS AND GUIDANCE  
FOR DOG BOARDING ESTABLISHMENTS 2016**

**SUMMARY**

This report seeks approval to adopt the Model Licence Conditions and Guidance for Dog Boarding Establishments developed by the Chartered Institute of Environmental Health Officers (CIEH).

This is the first time that the model licence conditions issued in 1995 have been revised formally by the CIEH.

**RECOMMENDATION(S)**

- 1) That the CIEH Model Licence Conditions for Dog Boarding are adopted and used in conjunction with the Council's Standard Conditions approved in March 2016, in respect of any applications received for any dog boarding establishment from 1<sup>st</sup> September 2016.
- 2) That the Head of Regulatory Services and the Licensing Manager be given delegated authority to amend, relax or waive any of the CIEH Model Licence Conditions for Dog Boarding Establishments as considered appropriate for the type of premises.
- 3) That the Head of Regulatory Services be given delegated authority to approve any revised copy that CIEH publishes, if the revisions are to amend administrative errors rather than vary agreed principles.

**WARDS AFFECTED**

All

**STRATEGIC LINK**

An effective licensing regime supports the District Council's corporate priorities, in particular to maintain safe and healthy communities; and the aim to provide excellent services.

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**1 REPORT**

- 1.1 Under section 5 of the Animal Boarding Establishments Act 1963, Local Authorities are responsible for licensing animal boarding establishments which include premises such as commercial catteries/kennels for dogs and/or cats.

- 1.2 Licences are generally granted for a 12-month period. The licence can be granted at any time of the year but will always expire on 31 December.
- 1.3 Members will recall that in July 2014 a report was considered where approval was sought to adopt several sets of Model Licence Conditions for various Animal Welfare Establishments, such as Pet Shops, Dog Breeders and Catteries. The Conditions were developed by the Chartered Institute of Environmental Health (CIEH) and were designed to introduce a consistent approach by licensing authorities and ensure a proportionate burden on business.
- 1.4 At that time Model Licence Conditions in respect of Dog Boarding Establishments were not available other than as a draft produced by the CIEH in 1995. Prior to submitting a report to this Committee in March 2016, to adopt 2 sets of standard conditions developed in-house, a timescale for the release of the CIEH Model Conditions for Dog Boarding which were at final draft stage could not be confirmed. As the Council's standard conditions were based on the draft proposals of the CIEH, officers are confident that our own conditions will not contradict or compromise the CIEH Model Conditions if adopted.
- 1.5 In March 2016 Members were made aware that there has been a significant increase in the number of enquiries being received for animal boarding licensing for dogs (particularly for home dog boarding). There are already a number of licences in operation so it is considered prudent to formally adopt the CIEH Model Conditions for Dog Boarding as we did for Cat Boarding. Many of our licensed establishments cater for both. This can only provide consistency and assist officers in future enforcement activity at boarding establishments.
- 1.6 The CIEH Dog Boarding Model Conditions are attached as **Appendix 1** for the Committee's consideration and can be viewed on the CIEH website using the following link: <http://www.cieh.org/policy/dog-guidance-2016.html>
- 1.7 Adoption of the Model Conditions

It is suggested that it is not necessary to consult existing proprietors of dog boarding establishments on the adoption of the Model Conditions as these generally reflect the ones to which they have all been working towards.
- 1.8 It is further suggested that the Model Conditions are not to be treated as blanket conditions to be attached to every dog boarding licence granted. Each application for a licence should be treated on its own merits and where there is a need to relax any of the conditions which may be considered too onerous or disproportionate for the type of premises the applicant should be able to apply to the Council for those conditions to be waived. The conditions are for Guidance rather than mandatory.
- 1.9 In those cases it is recommended that the decision to amend, relax or waive any licence condition is delegated to the Head of Regulatory Services.
- 1.10 It is recommended that the CIEH Model Licence Conditions and Guidance for Dog Boarding Establishments 2016, are adopted for any new licences granted or any existing licences renewed on or after 1 September 2016.

## **2 RISK ASSESSMENT**

### **2.1 Legal**

There are no legal risks arising directly from this report. The conditions have been developed and published following advice of leading regulatory/advisory bodies in consultation with animal welfare and trade organisations. Adopting the CIEH Model Conditions will improve consistency in set-up and compliance costs for businesses and in enforcement standards for local authorities across the Country. As a result, the risk of legal challenge should be significantly reduced.

### **2.2 Financial**

There are no financial risks arising from this report. Any costs arising from the adoption of the CIEH Model Conditions, including officer time, will be met from existing budgets.

## **3 OTHER CONSIDERATIONS**

In preparing this report, the relevance of the following factors has also been considered: prevention of crime and disorder, equalities, environmental, climate change, health, human rights, personnel and property.

## **4 CONTACT INFORMATION**

Eileen Tierney, Licensing Manager  
Tel: 01629 761374  
Email: eileen.tierney@derbyshiredales.gov.uk

## **5 BACKGROUND PAPERS**

<b>Date</b>	<b>Description</b>
1995	CIEH Draft Model Licence Conditions for Dog Boarding

## **6 ATTACHMENTS**

Appendix 1: CIEH Model Licence Conditions and Guidance for Dog Boarding 2016.  
(Please see reference to weblink for Appendix 1 listed in Point: 1.6 of the Report)